

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |                      |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | ) |                      |
|                           | ) |                      |
| Plaintiff,                | ) | 4:06CR3092           |
|                           | ) |                      |
| v.                        | ) | MEMORANDUM AND ORDER |
|                           | ) |                      |
| BETUEL CHICOL-XOVIN,      | ) |                      |
|                           | ) |                      |
| Defendant.                | ) |                      |

The defendant has moved for a continuance of the pretrial motion deadline, currently set for September 21, 2009. (Filing No. [21](#)). Defense counsel explains he needs additional time to review the review the electronic discovery he received from the government on September 18, 2009. Counsel for the government does not oppose the defendant's motion. The court finds the defendant's motion should be granted.

IT IS ORDERED:

- 1) Defendant's unopposed motion to continue, (filing no. [21](#)), is granted and defendant's pretrial motions and briefs shall be filed on or before October 12, 2009.
- 2) The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between September 21, 2009 and October 12, 2009, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of

the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 22<sup>nd</sup> day of September, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge